

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RAFAEL BAYONA,

Plaintiff,

10 CV 2758 (JFB) (ARL)

- against -

STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL

P.O. RICHARD HASSELL and P.O. PERERIA,

Defendants.
_____X

WHEREAS, plaintiff commenced this action by filing a complaint on or about June 17, 2010, alleging violations of his civil rights pursuant to 42 USC §1983 and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" hereinbelow.

2. Defendants P.O. RICHARD HASSELL and P.O. PERERIA hereby agree to pay plaintiff RAFAEL BAYONA the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In

consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the named defendants P.O. RICHARD HASSELL and P.O. PERERIA, and to release all defendants and all present and former employees or agents of the Incorporated Village of Freeport from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

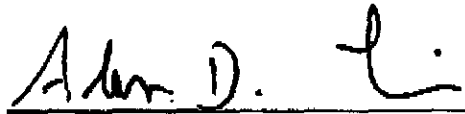
3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including without limitation, a General Release on the terms of paragraph "2" hereinabove.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules, regulations or bylaws of any department or subdivision of the Incorporated Village of Freeport. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.


5. Nothing contained herein shall be deemed to constitute a policy or practice of the Incorporated Village of Freeport.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: Kew Gardens, New York
March 15, 2012



ALAN D. LEVINE, ESQ.
Attorney for Plaintiff
80-02 Kew Gardens Road
Suite 302
Kew Gardens, New York 11415
(718) 793-6363



By: _____
HARRIS BEACH PLLC
Attorney for Defendants
333 Earle Ovington Boulevard
Suite 901
Uniondale, New York 11552
(516) 880-8492

SO ORDERED:

U.S.D.J.